

Assembly Bill No. 2246

CHAPTER 762

An act to amend and repeal Section 47612.7 of, and to add and repeal Section 42238.20 of, the Education Code, relating to charter schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 30, 2008. Filed with
Secretary of State September 30, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2246, Villines. Charter schools: joint powers agreement: funding.

(1) Existing law requires the county superintendent of schools to determine a revenue limit for each school district in the county pursuant to a specified formula based on the base revenue limit of the school district for the prior year, adjusted for inflation, and the average daily attendance for the entire school district, as specified. Existing law provides that the minimum schoolday for a high school, with specified exceptions, is 240 minutes.

This bill, commencing in the 2008–09 fiscal year, would require the Superintendent of Public Instruction to compute an amount of funding for each pupil concurrently enrolled in regular secondary school classes and classes operating pursuant to a joint powers agreement that became effective prior to January 1, 2008, for the period of time the pupil attends classes pursuant to the joint powers agreement, by performing specified calculations. The bill would provide that a 180-minute schoolday shall be computed and reported as attendance for $\frac{3}{4}$ of the full 240-minute schoolday for purposes of those calculations. The bill would require that the number of hours of instruction at regional occupational centers or programs that are claimed for funding pursuant to this bill be used, in addition to specified hourly rates, in the computation of the average daily attendance of the regional occupational center or program. The bill would make these provisions inoperative on July 1, 2012, and repeal them on January 1, 2013.

(2) Existing law authorizes the Center for Advanced Research and Technology (CART), operating pursuant to a joint powers agreement between the Clovis Unified School District and the Fresno Unified School District, to receive general-purpose funding for the 2007–08 fiscal year for a total average daily attendance not to exceed the center's average daily attendance as determined at the 2nd principal apportionment for the 2006–07 fiscal year.

This bill, in addition, would authorize the CART to receive general-purpose funding for the 2005–06 and 2006–07 fiscal years for a total average daily attendance not to exceed the center's average daily attendance as determined at the second principal apportionment for the

2005–06 and 2006–07 fiscal years, respectively. Commencing with the 2008–09 fiscal year, the bill would make the CART ineligible to receive further general-purpose funding pursuant to specified statutory provisions. The bill would make these provisions inoperative on July 1, 2012, and repeal them on January 1, 2013.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 42238.20 is added to the Education Code, to read:

42238.20. (a) Notwithstanding any other provision of law, commencing in the 2008–09 fiscal year, the minimum schoolday for a pupil concurrently enrolled in regular secondary school classes and classes operating pursuant to a joint powers agreement that became effective prior to January 1, 2008, is 180 minutes. These regular secondary school classes constitute regular school classes for the purposes of Section 46010.3.

(b) Notwithstanding any other provision of law, for purposes of computing the average daily attendance of a pupil described in subdivision (a), the 180-minute minimum schoolday permitted by this section shall be computed and reported as attendance for three-quarters of the full 240-minute minimum schoolday prescribed by Section 46141.

(c) For a pupil described in subdivision (a), the average daily attendance shall be included as school district average daily attendance computed pursuant to Section 42238.5.

(d) (1) Commencing with the 2008–09 fiscal year, the Superintendent shall compute funding for each pupil enrolled in classes as described in subdivision (a), for the period of time each day during which the pupil attends classes pursuant to a joint powers agreement, by multiplying the annual clock hours of attendance, up to a maximum of three clock hours per schoolday, by the rate described in subdivision (e) or (f), as applicable.

(2) The Superintendent shall add the amount computed pursuant to paragraph (1) to the revenue limit calculated pursuant to Section 42238 for the school district of attendance of the pupil.

(3) A pupil shall not generate apportionment credit pursuant to this subdivision for more than 540 hours in any school year.

(e) The hourly rate for the 2008–09 fiscal year shall be determined as follows:

(1) Subtract 73.3 percent of the school district revenue limit funding per unit of average daily attendance computed pursuant to Section 42238 for the 2007–08 fiscal year for the school districts that entered into the joint powers agreement from the statewide average revenue limit funding per unit of average daily attendance received by high school districts computed pursuant to paragraph (1) of subdivision (a) of Section 47633 for the 2007–08 fiscal year.

(2) Divide the amount computed in paragraph (1) by 540.

(3) Multiply the amount in paragraph (2) by the cost of living, deficit factor, and equalization adjustments applied to revenue limits for the 2008–09 fiscal year.

(f) Commencing with the 2009–10 fiscal year, the hourly rate for the current fiscal year shall be determined by multiplying the prior year hourly rate by the cost of living, deficit factor, and equalization adjustments applied to the current year revenue limit computed pursuant to Section 42238.

(g) For purposes of computing attendance pursuant to Section 46300 or any other provision of law, immediate supervision and control of pupils while attending classes pursuant to a joint powers agreement described in subdivision (a) is deemed satisfied regardless of the school district employing the certificated employee providing the supervision and control, provided the school district is a party to the joint powers agreement.

(h) The auditor who conducts the annual audit pursuant to Section 41020 shall verify compliance with the requirements of this section by each school district that is a party to the joint powers agreement as described in subdivision (a). An instance of noncompliance shall be reported as an audit exception. If the noncompliance is a condition of eligibility for the receipt of funds, the audit report shall include a statement of the number of units of average daily attendance or hours, if any, that were inappropriately reported for apportionment.

(i) Notwithstanding any other provision of law, the number of hours of instruction at regional occupational centers or programs that are claimed for funding pursuant to subdivision (d) shall be used, in addition to the hourly rate determined pursuant to subdivision (e) or (f), whichever subdivision is applicable, in the computation of the average daily attendance of the regional occupational center or program.

(j) This section shall become inoperative on July 1, 2012, and, as of January 1, 2013, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2013, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. Section 47612.7 of the Education Code is amended to read:

47612.7. (a) Notwithstanding Section 47612.5 or any other provision of law, the Center for Advanced Research and Technology, operating pursuant to a joint powers agreement between the Clovis Unified School District and the Fresno Unified School District, is eligible to receive general-purpose funding, as calculated pursuant to Section 47633, for the 2005–06 and 2006–07 fiscal years for a total average daily attendance not to exceed the center’s average daily attendance as determined at the second principal apportionment for the 2005–06 and 2006–07 fiscal years, respectively, and for the 2007–08 fiscal year for a total average daily attendance not to exceed the center’s average daily attendance as determined at the second principal apportionment for the 2006–07 fiscal year.

(b) Commencing with the 2008–09 fiscal year, the Center for Advanced Research and Technology, as described in subdivision (a), is not eligible to receive funding pursuant to Chapter 6 (commencing with Section 47630).

(c) This section shall become inoperative on July 1, 2012, and, as of January 1, 2013, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2013, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide funding for pupils attending classes pursuant to joint powers agreements at the earliest possible time, it is necessary that this act take effect immediately.